



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

December 4, 2014

BY ECF AND ELECTRONIC MAIL

The Honorable Denise L. Cote
United States District Judge
United States District Court for the
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1610
New York, New York 10007

Re: *United States v. Anil Singh*
13 Cr. 508 (DLC)

Dear Judge Cote:

The Government respectfully submits this letter in advance of the sentencing of defendant Anil Singh, scheduled for tomorrow, December 5, 2014 at 10:30 a.m., and in brief response to the defendant's sentencing memorandum dated December 1, 2014.

I have conferred with defense counsel and the parties now both agree with the Sentencing Guidelines calculation set forth in the Presentence Report ("PSR"), which calculates Singh's total offense level as 28 and which, together with Criminal History Category I, yields an advisory Guidelines range of 78 to 97 months' imprisonment. Moreover, the Court should impose forfeiture, as set forth in the plea agreement, in the amount of \$3,375,000. A proposed Consent Preliminary Order of Forfeiture is attached. In addition, the Court should order Singh to pay restitution in the amount of \$1,185,106.92, representing the loss to Multiplan (the "Victim"), per the attached proposed restitution order. I understand from David Touger, Esq., counsel for Singh, that Singh does not object to entry of either of these proposed orders.

Finally, the Government wishes to advise the Court that Paul Kelly, Esq. of Jackson Lewis P.C., counsel for the Victim, wishes to address the Court briefly at sentencing tomorrow to present a victim impact statement.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: _____/s/_____
Elisha J. Kobre
Assistant United States Attorney
Tel. No.: (212) 637-2599

cc: David Touger, Esq. (via e-mail)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	CONSENT PRELIMINARY
	:	ORDER OF FORFEITURE/
-v.-	:	<u>MONEY JUDGMENT</u>
	:	
	:	13 Cr. 508 (DLC)
ANIL SINGH	:	
	:	
Defendant.	:	
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WHEREAS, on or about July 11, 2013, ANIL SINGH (the defendant) was charged in a five-count Information, 13 Cr. 508 (DLC) (the Information), with conspiracy to commit honest service fraud in violation of Title 18, United States Code, Section 1349 (Count One); conspiracy to violate the Travel Act in violation of Title 18, United States Code, Section 371 (Count Two); honest service fraud in violation of Title 18, United States Code, Sections 1343, 1346, and 2 (Count Three); Violating the Travel Act in violation of Title 18, United States Code, Sections 1952(a)(3) and 2 (Count Four); and conspiracy to commit money laundering in violation of Title 18, United States Code, Section 1956(h) (Count Five);

WHEREAS, the Information included a forfeiture allegation as to Counts One through Four of the Information seeking forfeiture pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United State Code, Section 2461(c) of any property, real and personal, that constitutes or is derived from proceeds traceable to the violations in Counts One through Four of the Information, including, but is limited to:

- a. At least \$3,375,000 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the offenses; and
- b. \$7,000 in traveler's checks;

WHEREAS, the Information included a second forfeiture allegation as to Count Five of the Information seeking forfeiture pursuant to the provisions of Title 18, United States Code, Section 982 of any property, real and personal, involved in such offense or any property traceable to the violations in Counts One through Four of the Information, including, but not limited to, (i) At least \$3,375,000 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the offenses and (ii) \$7,000 in traveler's checks;

WHEREAS, on or about July 11, 2013 the defendant plead guilty to Counts One through Five of the Information pursuant to a plea agreement with the government wherein the defendant admitted the forfeiture allegations for Counts One through Five in the Information and agreed to forfeit to the United States pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(1), and 982(a)(6) and Title 28, United State Code, Section 2461; (i) \$3,375,000 in United States currency, representing property, real and personal, that constitutes or is derived, directly or indirectly, from the offenses charged in Counts One through Four of the Information, and property involved in or traceable to the money laundering conspiracy charged in Count Five of the Information; and (ii) all right, title and interest of Anil Singh in approximately \$7,000 in traveler's checks (the Traveler's Checks);

WHEREAS, in or about 2013 the United States Security Service administratively forfeited the Traveler's Checks;

WHEREAS, the defendant has further agreed to pay \$50,000 in United States currency towards the Money Judgment no later than the date of his sentencing (the “Payment”);

IT IS HEREBY STIPULATED AND AGREED, by and between the plaintiff, United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Elisha J. Kobre, of counsel, and the defendant, and his counsel, David Touger, Esq., that:

1. As a result of the offenses charged in Counts One through Five of the Information, to which the defendant pled guilty, a money judgment in the amount of \$3,375,000 in United States currency (the “Money Judgment”), shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture /Money Judgment, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, ANIL SINGH and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, the United States Department of Treasury (or its designee) shall be authorized to deposit the payments on the Money Judgment in the Treasury Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

4. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Department of Treasury (or its designee), and delivered by mail to the United States Attorney’s

Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One Saint Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

5. The Traveler's Checks shall be applied towards the defendant's Money Judgment.

6. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney, Sharon Cohen Levin, Chief of the Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this order may be executed in one or more counterparts, each of which will be deemed original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York

By: _____
ELISHA J. KOBRE
Assistant United States Attorney
One Saint Andrew's Plaza
New York, New York 10007
(212) 637-2620

DATE

ANIL SINGH
DEFENDANT

By: _____
ANIL SINGH

DATE

By: _____
David Touger, Esq.
Peluso & Touger, LLP
70 Lafayette Street 2nd Floor
New York, New York 10013

DATE

SO ORDERED:

HONORABLE DENISE COTE
UNITED STATES DISTRICT JUDGE

DATE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
UNITED STATES OF AMERICA	:	<u>ORDER OF RESTITUTION</u>
	:	
- v. -	:	13 Cr. 508 (DLC)
	:	
ANIL SINGH,	:	
	:	
Defendant.	:	
-----X	:	

Upon the application of the United States of America, by its attorney, Preet Bharara, United States Attorney for the Southern District of New York, Elisha J. Kobre, Assistant United States Attorney, of counsel; the presentence report; the Defendant conviction on Counts One through Five of the above Information; and all other proceedings in this case, it is hereby ORDERED that:

1. **Amount of Restitution.** ANIL SINGH the Defendant, shall pay restitution in the total amount of \$1,185,106.92 to the victim of the offense charged in Counts One through Five of the Information. The name, address, and specific amount owed to the victim is set forth in the Schedule of Victims attached hereto. Upon advice of a change of address, the Clerk of the Court is authorized to send payments to the new address without further order of this Court.

2. **Sealing.** Consistent with 18 U.S.C. Sections 3771(a)(8) and 3664(d)(4) and Federal Rule of Criminal Procedure 49.1, to protect the privacy interests of victims, the Schedule of Victims attached hereto shall be filed under seal, except that copies may be retained and used or

disclosed by the Government, the Clerks Office, and the Probation Department, as need be to effect and enforce this Order, without further order of this Court.

Dated: New York, New York
December , 2014

SO ORDERED:

HONORABLE DENISE COTE
UNITED STATES DISTRICT JUDGE